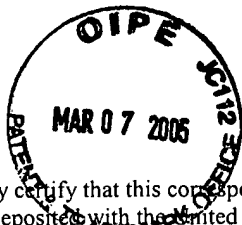


PATENT

MS150900.15/MSFTP248US



CERTIFICATE OF MAILING

I hereby certify that this correspondence (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: **Mail Stop Appeal Briefs – Patents**, Assistant Commissioner for Patents, U.S. Patent and Trademark Office, Washington, D.C. 20231.

3-2-05
Date

Christina M. Padmaonsky

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

Applicants(s): Maarten R. Van Dantzich, *et al.*

Examiner: Cuong T. Thai

Serial No: 09/882,857

Art Unit: 2173

Filing Date: June 15, 2001

Title: VIRTUALIZATION OF AN INTEGRATED SYSTEM ACROSS ONE OR MORE COMPUTERS

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF

Dear Sir:

Applicant submits this brief in connection with an appeal of the above-identified patent application. A credit card payment form is filed concurrently herewith in connection with all fees due regarding this appeal brief. In the event any additional fees may be due and/or are not covered by the credit card, the Commissioner is authorized to charge such fees to Deposit Account No. 50-1063 [MSFTP248US].

03/08/2005 MAHMED1 00000027 09882857

01 FC:1402

500.00 OP

I. Real Party in Interest (37 C.F.R. §41.37(c)(1)(i))

The real party in interest in the present appeal is Microsoft Corporation, the assignee of the present application.

II. Related Appeals and Interferences (37 C.F.R. §41.37(c)(1)(ii))

Appellants, appellants' legal representative, and/or the assignee of the present application are not aware of any appeals or interferences which may be related to, will directly affect, or be directly affected by or have a bearing on the Board's decision in the pending appeal.

III. Status of Claims (37 C.F.R. §41.37(c)(1)(iii))

Claims 3-5, 7, 29 and 38 have been cancelled. Claims 1-2, 6, 8-28, 30-37 and 39-47 stand rejected by the Examiner. The rejection of claims 1-2, 6, 8-28, 30-37 and 39-47 is being appealed.

IV. Status of Amendments (37 C.F.R. §41.37(c)(1)(iv))

The Examiner has entered the amendments submitted after the Final Office Action. (*See* Communication from Examiner dated Jan. 10, 2005).

V. Summary of Claimed Subject Matter (37 C.F.R. §41.37(c)(1)(v))**A. Independent Claim 1**

Independent claim 1 relates to a notification system that includes a priorities system, one or more prioritized notifications, and an object. (*See e.g.*, Figs. 5-18). The priorities system prioritizes notifications and the object automatically provides an interface corresponding to a priority level of one or more subsets of the prioritized notifications. The notification system senses implicit user actions and adjusts the prioritization of one or more notifications based on the implicit user actions. (*See e.g.*, Application at p. 3, lines 18-20; p. 10, lines 9-14; p. 11, lines 15-18 and 25-28; and Fig. 2, element 58).

B. Independent Claim 34

Independent claim 34 relates to a method to interface with a notification system. The method includes mapping at least one of a notification and a priority to one or more objects and automatically rendering the one or more objects based upon at least one of the notification and the priority. (*See e.g.*, Fig. 4). The method also includes providing inputs to interact with the notification system, implicitly sensing a user's interaction with the notification system, and adapting the priority of one or more objects based on the user's interaction. (*See e.g.*, Application at p. 3, lines 18-20; p. 10, lines 9-14; p. 11, lines 15-18 and 25-28; and Fig. 2, element 58).

C. Independent Claim 44

Independent claim 44 relates to a graphical user interface. The graphical user interface includes means for routing at least one prioritized notification (*see e.g.*, Application at p. 19, line 16 through p. 23, line 28; and Figs. 19 and 20), means for automatically rendering the at least one prioritized notification to a display (*see e.g.*, Application at p. 19, line 16 through p. 23, line 28; and Figs. 19 and 20; p. 5, lines 15-16; p. 3, lines 6-8; and Fig. 5-18), means for interacting with the at least one prioritized notification (*see e.g.*, Application at p. 5, line 27 through p. 6, line 1; p. 8, lines 16-19; p. 10, lines 1-14; p. 12, lines 9-11; p. 13, lines 12-17; p. 15, line 26 through p. 16, line 2; p. 16, lines 18-29; p. 17, lines 12-24 and 29-30), means for implicitly sensing a user's interaction with the at least one prioritized notification (*see e.g.*, Application at p. 3, lines 18-20; p. 8, lines 16-19; p. 10, lines 9-14; p. 11, lines 15-18 and 25-28; and Fig. 2, element 58), and means for altering the priority of notifications based on the user's interaction (*see e.g.*, Application at p. 19, line 16 through p. 23, line 28; and Figs. 19 and 20).

The "means for" limitations described above are identified as limitations subject to the provisions of 35 U.S.C. §112 ¶6. The corresponding structures are identified with reference to the specification and drawings in the parentheticals corresponding to those claim limitations.

D. Dependent Claim 45

Dependent claim 45 relates to the interface of claim 44 and further includes means for updating the display in relation to at least one of a source and a domain according to the at least one prioritized notification. (*See e.g.*, Application at p. 19, line 16 through p. 23, line 28; and Figs. 19 and 20).

The “means for” limitation described above is identified as a limitation subject to the provisions of 35 U.S.C. §112 ¶6. The corresponding structure is identified with reference to the specification and drawings in the parenthetical corresponding to the limitation.

E. Independent Claim 46

Independent claim 46 relates to a scope user interface. The scope user interface includes a plurality of prioritized notifications, at least one display sector associated with at least one of a source and a domain, at least one display object mapped to at least one of the plurality of prioritized notifications and a portion of the display sector (*see e.g.*, Figs. 5-18), and a feedback component operable to sense a user’s interaction with the scope user interface and modify prioritization decisions based on implicit feedback (*see e.g.*, Application at p. 3, lines 18-20; p. 8, lines 16-19; p. 10, lines 9-14; p. 11, lines 15-18 and 25-28; and Fig. 2, element 58).

VI. Grounds of Rejection to be Reviewed (37 C.F.R. §41.37(c)(1)(vi))

A. Whether claims 1-2 are unpatentable under 35 U.S.C. §102(e) over Giles *et al.* (U.S. 6,437,812).

B. Whether claims 6, 34, 37 and 43-44 are unpatentable under 35 U.S.C. §103(a) over Giles *et al.* in view of Wichelman *et al.* (U.S. 6,590,587).

C. Whether claims 8-14, 16-18, 20-25, 28, 30-32, 35-36, 39-42, and 45-46 are unpatentable under 35 U.S.C. §103(a) over Giles *et al.* in view of Wichelman *et al.* and further in view of Tanaka *et al.* (US 5,471, 399).

D. Whether claims 15 and 41 are unpatentable under 35 U.S.C. §103(a) over Giles *et al.* in view of Wichelman *et al.* and further in view of Tanaka *et al.* and Battat *et al.* (US 6,289,380).

E. Whether claims 19, 26-27 and 33 are unpatentable under 35 U.S.C. §103(a) over Giles *et al.* in view of Wichelman *et al.* and further in view of Tanaka *et al.* and Simonoff *et al.*

(US 6,078,322).

F. Whether claim 47 is unpatentable.

VII. Argument (37 C.F.R. §41.37(c)(1)(vii))

A. Rejection of Claims 1 and 2 Under 35 U.S.C. §102(e)

Claims 1 and 2 stand rejected under 35 U.S.C. §102(e) as being anticipated by Giles *et al.* Reversal of this rejection is respectfully requested for at least the following reasons. Giles *et al.* does not disclose ***each and every*** limitation of the subject claims either expressly or inherently.

A single prior art reference anticipates a patent claim if “***each and every*** limitation set forth in the patent claim” is disclosed either expressly or inherently. (*Trintec Industries, Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 1295, 63 U.S.P.Q.2d 1597, 1599 (Fed. Cir. 2002) (citing to *Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1052-53 (Fed. Cir. 1987))) (emphasis added). Moreover, “[t]he ***identical*** invention must be shown in as ***complete*** detail as is contained in the patent claim.” (*Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989) (citing *Jamesbury Corp. v. Litton Industrial Products, Inc.*, 756 F.2d 1556, 1560, 225 U.S.P.Q. 253, 257 (Fed. Cir. 1985); and *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 1548, 220 U.S.P.Q. 193, 198 (Fed. Cir. 1983))) (emphasis added).

Claim 1 recites the limitation the notification system ***senses implicit user actions and adjusts the prioritization of one or more notifications based on the implicit user actions***. Giles *et al.* does not disclose this novel feature. The system of Giles *et al.* provides a graphical user interface (GUI) for displaying fraud alarms in a hierarchical structure. (See Giles *et al.* at Abstract). The system assigns a score to the fraud alarms as an indication of priority. (See Giles *et al.* at col. 5, lines 27 – 32). In the Final Office Action, the Examiner states that Giles *et al.* teaches a hierarchical structure that may be tailored by a user and characterizes this feature as providing feedback to adjust a priorities system. (See Final Office Action dated Oct. 21, 2004 at p. 4). As stated in the Abstract, a user may tailor the hierarchical representation by expanding or collapsing part of the hierarchical representation. (See Giles *et al.* at Abstract). Collapsing or expanding a hierarchical tree structure does not affect the priority assigned to the fraud alarm in

any way, and does not disclose *adjusting the prioritization* of notifications based on implicit user actions as recited in the subject claims. Furthermore, as conceded by the Examiner, Giles *et al.* does not disclose sensing implicit user actions. (See Final Office Action at p. 6).

In the Advisory Action, the Examiner contends that “the combination of Giles and Wichelman disclose [sic] the teachings of a notification system comprising steps of [sic] a priorities system that prioritizes notifications, senses implicit user interactions, and adjusts/adapts/modifies the prioritization of one or more notifications based on the implicit user actions as seen in independent claims 1, 34, 44 or 46.” (Advisory Action dated Jan. 4, 2005 at p. 2). Applicants’ representative notes that claim 1 has been rejected under 35 U.S.C. §102(e) as anticipated, and that anticipation may only be found if all of the claim limitations are present, either expressly or inherently, in a *single* reference. Thus, the Examiner’s reliance upon more than one reference to support a rejection under 35 U.S.C. §102(e) is improper. In view of at least the foregoing, the subject claims are in condition for allowance and applicants’ representative respectfully requests that this rejection be withdrawn.

B. Rejection of Claims 6, 34, 37 and 43-44 Under 35 U.S.C. §103(a)

i. Claims 6, 34, 37 and 43

Claims 6, 34, 37 and 43 are argued separately from claim 44. Claims 6, 34, 37 and 43 stand rejected as obvious under 35 U.S.C. §103(a) over Giles *et al.* in view of Wichelman *et al.* Reversal of this rejection is respectfully requested for at least the following reasons. Neither of the cited references, alone or in combination, teach or suggest all of the claim limitations, and thus, do not teach or suggest the claimed invention as a *whole*. Moreover, the Examiner has failed to cite to anything *in the prior art of record* that provides a teaching, suggestion or motivation to combine the references, and, therefore, has failed to make a *prima facie* case of obviousness.

The test of obviousness is whether “the subject matter sought to be patented and the prior art are such that the subject matter as a *whole* would have been obvious at the time the invention was made to a person having ordinary skill in the art.” (*Graham v. John Deere Co.*, 383 U.S. 1, 3 (1966) (emphasis added); *see also e.g., In re Dembiczak*, 175 F.3d 994,

998, 50 U.S.P.Q. 1614, 1616 (Fed. Cir. 1999)). In evaluating obviousness, the PTO must conduct the factual inquiry as outlined in *Graham v. John Deere Co.*, 383 U.S. 1, 17-18 (1966). (See *In re Lee*, 277 F.3d 1338, 1342-43, 61 U.S.P.Q.2d 1430, 1433 (Fed. Cir. 2002)). The factual inquiry to be conducted includes determining: (1) the scope and content of the prior art; (2) the level of ordinary skill in the prior art; (3) the differences between the claimed invention and the prior art; and (4) objective evidence of nonobviousness. (See *Graham*, 383 U.S. 1, 17-18 (1966)). The PTO must “not only assure that the requisite findings are made, based on evidence of record, but must also explain the reasoning by which the findings are deemed to support the agency's conclusion.” (*In re Lee*, 277 F.3d at 1344, 61 U.S.P.Q.2d at 1434). The PTO cannot rely merely on conclusory statements and assertions of “common sense” to remedy deficiencies of the cited references. (*In re Lee*, 277 F.3d at 1344, 61 U.S.P.Q.2d at 1434). If the PTO relies on multiple prior art references as the basis for an obviousness rejection, it is not enough that all of the claim limitations appear in the prior art. To establish a *prima facie* case of obviousness, the PTO must also make an adequate showing of a suggestion, teaching, or motivation to combine the prior art references. (See *In re Dembiczak*, 175 F.3d 994, 999-1001, 50 U.S.P.Q. 1614, 1617 (Fed. Cir. 1999) (citing to *C.R. Bard, Inc., v. M3 Systems, Inc.*, 157 F.3d 1340, 1352, 48 U.S.P.Q.2d 1225, 1232 (Fed. Cir. 1998)); see also *In re Lee*, 277 F.3d at 1343, 61 U.S.P.Q.2d at 1433). Only if the PTO establishes a *prima facie* case of obviousness does the burden of coming forward with evidence or argument shift to the applicant. (See *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1445 (Fed. Cir. 1992)).

Claims 34, 37 and 43 recite the limitations *implicitly sensing a user's interaction* with a notification system and *adapting the priority of one or more objects based on the user's interaction*. Claim 6 recites similar limitations. Neither *Giles et al.* nor *Wichelman et al.*, alone or in combination, disclose these novel features of the subject claims.

In the Advisory Action, the Examiner contends that, in combination, *Giles et al.* and *Wichelman et al.* teach sensing implicit user interactions and adapting the prioritization of one or more notifications based on the implicit user actions. (See Advisory Action dated Jan. 4, 2005 at p. 2). The Examiner does not explain or cite to any portion of either reference to support this contention. As explained in Section A *supra*, *Giles et al.* assigns a score to a fraud alarm as an indication of priority, but does not provide for implicitly sensing a user's interactions or adapting the priority. (See *Giles et al.* at col. 5, lines 27 – 32).

Wichelman et al. discloses a monitoring system for monitoring network node

performance. The system calculates a priority score for a node based on node adequacy. (See Wichelman *et al.* at col. 32, lines 15 - 28). The system provides for two alarm levels - critical or advisory – to warn of node status. (See Wichelman *et al.* at col. 15, line 59-62). In the Final Office Action, the Examiner contends that Wichelman *et al.* discloses feedback relating to implicit user actions and points to a facial indicator and a percent advisory indicator (shown in Fig. 11A) to support this contention. (See Final Office Action at p. 7). The percent advisory indicator is used to denote the percent of event alarms that are advisory. (See Wichelman *et al.* at col. 37, lines 1-4). The facial indicator is used to denote the status of a node (*i.e.*, a smiling face indicates a normal state and a frowning face indicates a critical state). (See Wichelman *et al.* at col. 37, line 30-36). Thus, the facial indicator and the percent advisory indicator merely reflect node status and the type of events that have occurred, but do not relate to *implicitly sensing user actions or adapting the priority* based on the user interaction.

The Examiner contends that it would be obvious to combine the teachings of Giles *et al.* with the teachings of Wichelman *et al.* because “by doing so, the system would be enhanced by [sic] capable of quickly and easily for [sic] an end user to recognize of [sic] the priority condition.” (See Final Office Action at p. 7). However, the Examiner does not cite to *any prior art references or provide any evidence* to support this contention. Instead, the Examiner is basing the rejection on the assertion that it would have been obvious to do something not suggested in the art but, rather, suggested by the advantages disclosed in applicants’ specification. This sort of approach has been repeatedly condemned by the Federal Circuit as entering the “tempting but forbidden zone of hindsight.” (*In re Dembiczak*, 175 F.3d at 998, 50 U.S.P.Q. at 1616 (citing to *Loctite Corp. v. Ultraseal Ltd.*, 781 F.2d 861, 873, 228 U.S.P.Q. 90, 98 (Fed. Cir. 1985), overruled on other grounds by *Nobelpharma AB v. Implant Innovations, Inc.*, 141 F.3d 1059, 46 U.S.P.Q.2d 1097 (Fed. Cir. 1998))). The Federal Circuit has warned against imbuing “one of ordinary skill in the art with knowledge of the invention in suit when ***no prior art reference or references of record*** convey or suggest knowledge,” and falling “victim to the insidious effect of a hindsight syndrome wherein that which only the inventor taught is used against its teacher.” (*In re Fine*, 837 F.2d 1071, 1075, 5 USPQ2d 1596, 1600 (Fed. Cir. 1988) (citing to *W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1553, 220 USPQ 303, 312-13 (Fed. Cir. 1983)) (emphasis added); *see also In re Dembiczak*, 175 F.3d at 998-99, 50 U.S.P.Q. at 1616-17). As the Federal Circuit has stated:

Measuring a claimed invention against the standard established by section 103 requires the oft-difficult but critical step of casting the mind back to the time of invention, to consider the thinking of one of ordinary skill in the art, guided only by the prior art references and the then-accepted wisdom in the field. . . . Our case law makes clear that the best defense against the subtle but powerful attraction of a hindsight-based obviousness analysis is rigorous application of the requirement for a showing of the teaching or motivation to combine prior art references. Combining prior art references *without evidence* of such a suggestion, teaching, or motivation simply takes the inventor's disclosure as a blueprint for piecing together the prior art to defeat patentability--the essence of hindsight. . . . [T]he showing must be *clear and particular*. ***Broad conclusory statements regarding the teaching of multiple references, standing alone, are not "evidence."***

(*In re Dembiczak*, 175 F.3d at 999, 50 U.S.P.Q. at 1617) (internal citations omitted) (emphasis added). The Examiner has not cited to any *prior art references or other references of record* that teach or suggest this purported motivation. Indeed, all the Examiner has done is provided the "[b]road conclusory statements" that the Federal Circuit has held are not evidence that can support an obviousness rejection. (*In re Dembiczak*, 175 F.3d at 999, 50 U.S.P.Q. at 1617). Thus, the Examiner has failed to make a *prima facie* case of obviousness.

In view of at least the foregoing, the subject claims are in condition for allowance and applicants' representative respectfully requests that this rejection be withdrawn.

ii. Claim 44

Claim 44 is argued separately from the other claims. Claim 44 stands rejected as obvious under 35 U.S.C. §103(a) over Giles *et al.* in view of Wichelman *et al.* For at least the reasons discussed in Section B(i) *supra*, neither of these references, alone or in combination, teach or suggest means for implicitly *sensing a user's interaction with at least one prioritized notification* and means for *altering the priority of notifications based on the user's interaction*, and thus, do not teach or suggest the claimed invention as a *whole*. Moreover, the Examiner has failed to cite to anything in the prior art of record that provides a teaching, suggestion, or motivation to combine Giles *et al.* with Wichelman *et al.* and thus, has failed to make a *prima facie* case of obviousness.

In view of at least the foregoing, the claim 44 is in condition for allowance and applicants' representative respectfully requests that this rejection be withdrawn.

C. **Rejection of Claims 8-14, 16-18, 20-25, 28, 30-32, 35-36, 39-42, and 45-46**
Under 35 U.S.C. §103(a)

i. ***Claims 8-14, 16-18, 20-25, 28, 30-32, 35-36, 39-42 and 46***

Claims 8-14, 16-18, 20-25, 28, 30-32, 35-36, 39-42 and 46 are argued separately from claim 45. These claims stand rejected as obvious under 35 U.S.C. §103(a) over Giles *et al.* in view of Wichelman *et al.* and further in view of Tanaka *et al.* Claims 8-14, 16-18, 20-25, 28 and 30-32 recite the limitation a notification system ***senses implicit user actions and adjusts the prioritization of one or more notifications based on the implicit user actions***. Claims 35-36, 39-42 and 46 recite similar limitations. As discussed in Section B *supra*, neither Giles *et al.* or Wichelman *et al.*, alone or in combination, teach or suggest this novel feature of the subject claims. Tanaka *et al.* does not disclose or suggest sensing implicit user actions or adjusting priority and accordingly, does not remedy the deficiencies of Giles *et al.* and Wichelman *et al.* Thus, the cited references do not teach or suggest the claimed invention as a ***whole***. Moreover, as also explained in Section B *supra*, the Examiner has failed to cite to anything ***in the prior art of record*** that provides a teaching, suggestion, or motivation to combine Giles *et al.* with Wichelman *et al.* and, therefore, has failed to make a *prima facie* case of obviousness.

In view of at least the foregoing, the subject claims are in condition for allowance and applicants' representative respectfully requests that this rejection be withdrawn.

ii. ***Claim 45***

Claim 45 is argued separately from the other claims. Claim 45 stands rejected as obvious under 35 U.S.C. §103(a) over Giles *et al.* in view of Wichelman *et al.* and further in view of Tanaka *et al.* For at least the reasons discussed in Section C(i) *supra*, none of these references, either alone or in combination, teach or suggest means for implicitly ***sensing a user's interaction with at least one prioritized notification*** and means for ***altering the priority of notifications based on the user's interaction***, and thus, do not teach or suggest the claimed invention as a ***whole***. Moreover, as also discussed in Section C(i), the Examiner has failed to cite to anything

in the prior art of record that provides a teaching, suggestion, or motivation to combine Giles *et al.* with Wichelman *et al.* and thus, has failed to make a *prima facie* case of obviousness.

In view of at least the foregoing, the subject claims are in condition for allowance and applicants' representative respectfully requests that this rejection be withdrawn.

D. Rejection of Claims 15 and 41 Under 35 U.S.C. §103(a)

Claims 15 and 41 stand rejected as obvious under 35 U.S.C. §103(a) over Giles *et al.* in view of Wichelman *et al.* and further in view of Tanaka *et al.* and Battat *et al.* Reversal of this rejection is respectfully requested for at least the following reasons. The cited references do not teach or suggest the claimed invention as a *whole*. Claim 15 recites the limitation a notification system *senses implicit user actions and adjusts the prioritization of one or more notifications based on the implicit user actions* and claim 41 recites a similar limitation. As discussed in Section B *supra*, neither Giles *et al.* nor Wichelman *et al.*, alone or in combination, teach or suggest this novel feature of the subject claims. Neither Tanaka *et al.* nor Battat *et al.* disclose or suggest sensing implicit user actions or adjusting priority and accordingly, these references do not remedy the deficiencies of Giles *et al.* and Wichelman *et al.* Moreover, as also explained in Section B *supra*, the Examiner has failed to cite to anything in the prior art of record that provides a teaching, suggestion, or motivation to combine Giles *et al.* with Wichelman *et al.* and, therefore, has failed to make a *prima facie* case of obviousness.

In view of at least the foregoing, the subject claims are in condition for allowance and applicants' representative respectfully requests that this rejection be withdrawn.

E. Rejection of Claims 19, 26-27 and 33 Under 35 U.S.C. §103(a)

Claims 19, 26-27 and 33 stand rejected as obvious under 35 U.S.C. §103(a) over Giles *et al.* in view of Wichelman *et al.* and further in view of Tanaka *et al.* and Simonoff *et al.* These claims recite the limitation a notification system *senses implicit user actions and adjusts the prioritization of one or more notifications based on the implicit user actions*. As discussed in Section B *supra*, neither Giles *et al.* nor Wichelman *et al.*, alone or in combination, teach or suggest this novel feature of the subject claims. Neither Tanaka *et al.* nor Simonoff *et al.* disclose or suggest sensing implicit user actions or adjusting priority and accordingly, these references do not remedy the deficiencies of Giles *et al.* and Wichelman *et al.* Thus, the cited

references do not teach or suggest the claimed invention as a *whole*. Moreover, as also explained in Section B *supra*, the Examiner has failed to cite to anything in the prior art of record that provides a teaching, suggestion, or motivation to combine Giles *et al.* with Wichelman *et al.* and, therefore, has failed to make a *prima facie* case of obviousness.

In view of at least the foregoing, the subject claims are in condition for allowance and applicants' representative respectfully requests that this rejection be withdrawn.

F. Rejection of Claim 47

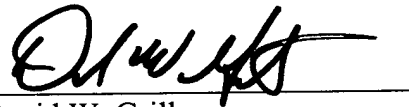
Claim 47 was added by an amendment filed after the Final Office Action, which was entered by the Examiner. (See Reply to Final Office Action at p. 10 and Communication from Examiner dated Jan. 10, 2005). The Advisory Action indicates that claim 47 stands rejected, but the Examiner does not provide a basis for the rejection. (See Advisory Action at pp. 1-2). Claim 47 is dependent on claim 34, and by virtue of this dependency, contains all of the limitations of claim 34. Claim 34 is allowable for at least the reasons stated in Section B, *supra*. In view of at least the foregoing, claim 47 is in condition for allowance and applicants' representative respectfully requests that this rejection be withdrawn.

G. Conclusion

For at least the above reasons, the claims currently under consideration are believed to be patentable over the cited references. Accordingly, it is respectfully requested that the rejections of claims 1-2, 6, 8-28, 30-37 and 39-47 be reversed.

If any additional fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP248US].

Respectfully submitted,
AMIN & TUROCY, LLP



David W. Grillo
Reg. No. 52,970

AMIN & TUROCY, LLP
24th Floor, National City Center
1900 East 9th Street
Telephone: (216) 696-8730
Facsimile: (216) 696-8731

VIII. Claims Appendix (37 C.F.R. §41.37(c)(1)(viii))

1. A notification system, comprising:
a priorities system that prioritizes notifications;
one or more prioritized notifications; and
an object that automatically provides an interface corresponding to a priority level of one or more subsets of the prioritized notifications, wherein the notification system senses implicit user actions and adjusts the prioritization of one or more notifications based on the implicit user actions.
2. The system of claim 1, wherein the interface renders at least one of a visual, audio, and physical indication of the one or more prioritized notifications.
- 3-5. (Cancelled)
6. The system of claim 1, wherein the implicit user actions include at least one of response timing, reading, deleting, and ignoring the one or more prioritized notifications.
7. (Cancelled)
8. The system of claim 2, wherein the one or more prioritized notifications are categorized to at least one of a source and a domain, the source including the modality of the notification, the domain including a category associated with the user.
9. The system of claim 8, further comprising a display configured according to at least one of the source and the domain.
10. The system of claim 8, further comprising an input to enable switching the display between the source and the domain.

11. The system of claim 9, further comprising one or more display objects that are associated with the one or more prioritized notifications.
12. The system of claim 11, wherein the one or more display objects are located on the display according to the priority of the one or more prioritized notifications.
13. The system of claim 11, wherein the one or more display objects are rendered in proximity to one or more other display objects to provide meaning according to the proximity of the rendered display objects.
14. The system of claim 11, wherein at least one of the shape and the color of the one or more display objects are indications of at least one of the source, the domain, and the priority of the one or more prioritized notifications.
15. The system of claim 11, further comprising clustering rules for displaying N number of display objects in a constrained space, N being an integer, the clustering rules including at least one of rendering as many display objects that can fit in the display, defining meta display objects, and utilizing a third display dimension to display topological densities.

16. The system of claim 11, further comprising mapping rules for associating the one or more prioritized notifications to the display.
17. The system of claim 11, wherein the display provides an indication of change over time associated with the one or more prioritized notifications.
18. The system of claim 17, wherein the display objects are rendered as at least one of brighter, darker, decaying, changing color and becoming more or less transparent to indicate change.
19. The system of claim 17, further comprising at least one of a fast forward and a replay selection to provide the indication of changes over time.
20. The system of claim 11, wherein the display objects are selected to provide at least one of a summary, an enlargement and a drill down of the one or more notifications.
21. The system of claim 20, further comprising semantic zooming to enable users to receive various levels of information regarding the one or more prioritized notifications.
22. The system of claim 20, wherein the display objects are at least one of a circle, a square, a triangle, a rectangle, a wedge, a sphere, a cube, a cylinder, and a cone.
23. The system of claim 11, wherein the display is rendered into one or more sectors associated with at least one of the source and the domain.
24. The system of claim 23, wherein the sectors collectively form at least one of a circle, a square, a triangle, a rectangle, a wedge, a sphere, a cube, a cylinder, and a cone.
25. The system of claim 23, wherein the sectors are subdivided according to the priority of the one or more prioritized notifications.

26. The system of claim 23, wherein at least one of the sectors and the collective form are resizable to provide more or less information regarding the one or more prioritized notifications.

27. The system of claim 26, wherein vectors graphics are utilized to provide resize-ability to the sectors and the collective form.

28. The system of claim 24, further comprising one or more selections to at least one of close the display, switch the display to another dimension, switch between a domain and source, and switch between transparent and non-transparent display modes.

29. (Cancelled)

30. The system of claim 11, wherein the display changes based upon an interaction level of the user.

31. The system of claim 30, wherein the interaction level is determined from the context of the user *via* the notification system.

32. The system of claim 11, wherein the display further comprises at least one of a crystal ball view, a radar view, a horizon view, and a funnel view associated with the one or more prioritized notifications.

33. The system of claim 11, wherein audio is rendered as at least one of a representation of the one or more prioritized notifications and as interactive feedback when one or more of the display objects are selected.

34. A method to interface with a notification system, comprising,
- mapping at least one of a notification and a priority to one or more objects;
 - automatically rendering the one or more objects based upon at least one of the notification and the priority;
 - providing inputs to interact with the notification system;
 - implicitly sensing a user's interaction with the notification system; and
 - adapting the priority of one or more objects based on the user's interaction.
35. The method of claim 34, further comprising, providing at least one of an update and an overview over time in relation to at least one of a source and a domain according to at least one of the notification and the priority.
36. The method of claim 35, further comprising switching between the source and the domain.
37. The method of claim 34, further comprising rendering at least one of a visual, audio, and physical indication of at least one of the notification and the priority.
38. (Cancelled)
39. The method of claim 34, further comprising locating the one or more objects on a device according to at least one of the notification and the priority.
40. The method of claim 34, further comprising providing meaning according to the proximity of the one or more objects within a given segment.
41. The method of claim 34, further comprising at least one of the following rules:
- fitting the amount of the one or more objects in a display;
 - defining meta display items; and
 - utilizing a third display dimension to display the one or more objects.

42. The method of claim 34, further comprising providing at least one of a summary, an enlargement and a drill down of the one or more objects.
43. A computer-readable medium having computer-executable instructions for performing the acts of claim 34.
44. A graphical user interface, comprising,
means for routing at least one prioritized notification;
means for automatically rendering the at least one prioritized notification to a display;
means for interacting with the at least one prioritized notification;
means for implicitly sensing a user's interaction with the at least one prioritized notification; and
means for altering the priority of notifications based on the user's interaction.
45. The interface of claim 44, further comprising means for updating the display in relation to at least one of a source and a domain according to the at least one prioritized notification.
46. A scope user interface, comprising:
a plurality of prioritized notifications;
at least one display sector associated with at least one of a source and a domain;
at least one display object mapped to at least one of the plurality of prioritized notifications and a portion of the display sector; and
a feedback component operable to sense a user's interaction with the scope user interface and modify prioritization decisions based on implicit feedback.
47. A signal operable to transmit computer-executable instructions for performing the method of claim 34.

IX. Evidence Appendix (37 C.F.R. §41.37(c)(1)(ix))

None.

X. Related Proceedings Appendix (37 C.F.R. §41.37(c)(1)(x))

None.